

Equal Employment Opportunity Comm.

§ 1650.401

amended (31 U.S.C. 3711), may collect the debt by administrative offset subject to the following:

(1) The debt is certain in amount; and
(2) It is in the best interest of the United States to collect the debt by administrative offset because it is less costly and speeds repayment of the debt.

(c) If the 6-year period for bringing action on a debt provided in 28 U.S.C. 2415 has expired, then administrative offset may be used to collect the debt only if the costs of bringing such action are likely to be less than the amount of the debt.

(d) No collection by administrative offset shall be made on any debt that has been outstanding for more than 10 years unless facts material to the Government's right to collect the debt were not known, and reasonably could not have been known, by the official or officials responsible for discovering and collecting such debt.

(e) *Request for administrative offset by the Commission to another Federal agency.* The Director of the Financial Management Division, or designee, may request that funds due and payable to a debtor by a Federal agency be administratively offset in order to collect a debt owed to the Commission by that debtor. In requesting administrative offset the Commission, as creditor, will certify in writing to the Federal agency holding funds of the debtor:

(1) That the debtor owes the debt;
(2) The amount and basis of the debt; and

(3) That the Commission has complied with the requirements of its own administrative offset regulations in this subpart, and the applicable provisions of 4 CFR part 102, including providing any required hearing or review.

(f) *Request for administrative offset from another Federal agency.* Any Federal creditor agency may request the Commission make an administrative offset from any Commission funds due and payable to a creditor agency's debtor. The Commission shall initiate the requested administrative offset only upon:

(1) Receipt of written certification from the creditor agency:
(i) That the debtor owes the debt;
(ii) The amount and basis of the debt;

(iii) That the agency has prescribed regulations for the exercise of administrative offset; and

(iv) That the agency has complied with its own administrative offset regulations and with the applicable provisions of 4 CFR part 102, including providing any required hearing or review; and

(2) A determination by the Commission that collection by administrative offset against funds payable to the debtor by the Commission would not otherwise be contrary to law.

§ 1650.308 Accelerated procedures.

The Commission may make an administrative offset against a payment to be made to the debtor prior to the completion of the procedures required by this subpart, if failure to take the offset would substantially jeopardize the Commission's ability to collect the debt, and the time before the payment is to be made does not reasonably permit the completion of those procedures. Such prior offset shall be promptly followed by the completion of the procedures required by this subpart. Amounts recovered by offset but later found not to be owed to the Commission shall be promptly refunded.

§ 1650.309 Additional administrative procedures.

Nothing contained in this subpart is intended to preclude the use of any other administrative remedy which may be available.

Subpart D—Procedures for the Collection of Debts by Administrative Wage Garnishment

SOURCE: 64 FR 28917, May 28, 1999, unless otherwise noted.

§ 1650.401 Purpose and regulatory procedures for the collection of debts by administrative wage garnishment.

The Commission hereby adopts by cross-reference the administrative wage garnishment regulation issued by the Department of the Treasury at 31 CFR 285.11. The general standards and procedures governing the collection, compromise, termination, and referral to the Department of Justice of claims